

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

AMERICAN FEDERATION OF STATE,)
COUNTY, MUNICIPAL EMPLOYEES)
LOCAL 1733, et al.,)
)
Plaintiffs,)
)
v.) No. 11-2577
)
CITY OF MEMPHIS,)
)
Defendant.)

ORDER DENYING DEFENDANT'S MOTION TO DISMISS AS MOOT

In this action under 42 U.S.C. § 1983, Plaintiffs allege that Defendant City of Memphis (the "City") has violated their First and Fourteenth Amendment rights and seek monetary, injunctive, and declaratory relief. (See Compl. for Damages, Declaratory J., and Injunctive Relief ¶¶ 4-17, 42-55, ECF No. 1.) ("Compl.")

On August 8, 2011 the City filed a Motion for Judgment on the Pleadings or, in the alternative, Motion to Dismiss for Failure to State a Claim. (See ECF No. 19) (the "Motion to Dismiss.")

On January 26, 2012, Plaintiffs amended their Complaint. (See ECF No. 50) (the "Amended Complaint.") On March 26, 2012,

Plaintiffs were granted leave to file a Supplemental Amended Complaint under Rule 15(d). (See ECF No. 58) (the "Supplemental Amended Complaint.")

Because the Complaint has been amended twice, Defendant's Motion to Dismiss is DENIED AS MOOT, without prejudice to its right to renew the arguments in its Motion in response to the Supplemental Amended Complaint.

So ordered this 28th day of March, 2012.

s/ Samuel H. Mays, Jr.
SAMUEL H. MAYS, JR.
UNITED STATES DISTRICT JUDGE